

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-090290

08/06/2015

HON. PENNY L. WILLRICH

CLERK OF THE COURT

J. Erickson

Deputy

IN RE THE MATTER OF
JEREMIAH SMALL

JEREMIAH SMALL
1360 W ISABELLA AVE #1076
MESA AZ 85202

AND

SHAUNNA SEYBOLD

SHAUNNA SEYBOLD
PO BOX # 67918
PHOENIX AZ 85082

FAMILY SUPPORT SERVICES-CCC
TASC - MESA

EVIDENTIARY HEARING SET

Courtroom 405-SEF

8:58 a.m. This is the time set for Temporary Orders hearing regarding Petitioner's *Motion for Post-Decree Temporary Order Without Notice for Modification of Legal Decision Making/Custody* filed July 31, 2015. Petitioner, Jeremiah Small, is present on his own behalf. Respondent, Shaunna Seybold, is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Jeremiah Small and Shaunna Seybold are sworn.

Discussion is held.

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IT IS ORDERED affirming the Court's temporary orders dated July 31, 2015, designating Father the primary custodial parent of the minor child Alyse Small (DOB: 10/05/2012). Mother's parenting shall be by agreement of the parties and Father shall supervise.

IT IS FURTHER ORDERED on a temporary basis, affirming the Court's May 20, 2013 order awarding the parties joint legal decision-making authority regarding the minor child.

IT IS FURTHER ORDERED no later than close of business today Mother must appear for a hair follicle test at a location of TASC as indicated on the TASC Referral Form.

If a party is unable to provide a hair sample to TASC, they shall immediately notify this Court and a referral to another lab will be provided.

IT IS FURTHER ORDERED:

A. Agency. Mother's hair follicle test shall be conducted at a location of TASC, Inc., the main office of which is at 2234 North 7th Street, Phoenix, Arizona, 602-254-7328. Other locations are listed on the TASC referral form and may be viewed at www.tascaz.org.

B. First Test. Mother shall report to TASC no later than 5:00 p.m. on August 7, 2015 for her first test.

C. Scope. Mother shall undergo a drug test (Screen "B") for each test ordered herein.

D. Cooperation. Mother shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:

1. Mother shall provide such samples as are reasonably required by the testing agency to comply with this order.
2. Mother shall timely report for testing and provide samples as directed by the testing agency.
3. Mother shall present photo identification to the testing agency at the time of each test.
4. Mother shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing

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E. Cost. Mother shall pay the cost of her own testing (\$65.00 per test) in money order or cashier's check at the time of testing.

F. Frequency & Duration. Mother shall be randomly tested one time. Testing shall then be complete.

G. Positive/Diluted/Missed Test. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.

H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a Monthly Drug Test Summary Report.

Issued: Court Ordered Substance Abuse Testing form

IT IS ORDERED on a temporary basis, Father's monthly child support obligation paid to Mother is suspended.

Father's child support arrears payment in the amount of \$50.00 shall remain in effect until his arrears are brought current.

LET THE RECORD REFLECT that an Income Withholding Order is initiated electronically by the above-named deputy clerk. Confirmation #442465.

LET THE RECORD FURTHER REFLECT that the *Incident/Investigation Report* reported on July 22, 2015 shall serve as an attachment to Petitioner's petition filed September 12, 2014.

FILED: Incident/Investigation Report

IT IS ORDERED setting **Evidentiary Hearing** to the Court regarding Petitioner's *Petition to Modify Legal Decision Making (Custody), Parenting Time and Child Support* filed

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September 12, 2014, on **October 1, 2015 at 10:00 a.m.** (time allotted: 2 hours) before the Honorable Stephen Hopkins at:

Maricopa County Superior Court
Southeast Judicial District
Courtroom 405
222 E. Javelina Avenue
Mesa, AZ 85210

LET THE RECORD REFLECT that the Honorable Stephen Hopkins has been appointed to this calendar effective August 31, 2015. All matters will remain to be heard in courtroom 405.

Each party will be allowed one-half of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

JOINT PRE-HEARING STATEMENT

IT IS ORDERED that the parties shall file and provide this Division with a copy of a **Joint** Pre-Hearing Statement pursuant to Rule 76, *Arizona Rules of Family Law Procedure*, no later than **September 24, 2015**.

IT IS FURTHER ORDERED that the following documents shall be filed:

1. Joint Prehearing Statement
 - a. If there are disputed legal decision-making (custody) or parenting time issues, a specific proposal for legal decision-making and parenting time.
 - b. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
 - c. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.
 - d. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. §25-351 et seq.

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- e. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
 - f. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
 - g. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. §25-318(H).
 - h. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.
2. A current Affidavit of Financial Information completed by each party and filed separately from the Joint Pre Trial Statements.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Prehearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), *Arizona Rules of Family Law Procedure*, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the Evidentiary Hearing must be brought to this Court's Clerk in Courtroom 405 **no later than 12:00 p.m. on September 24, 2015 (7 DAYS BEFORE) with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 405 and must have **COLORED** paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing.

NOTE: If either party intends to offer as evidence the digital or electronic recording from a prior court proceeding, the party shall also provide to the Court a certified transcript of the recording, which shall be marked as an exhibit. The party seeking to offer the recording as evidence shall bear the cost for preparation of the transcription. If either party intends to offer

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documents as evidence that are in a language other than English, the Court shall be provided with an official certified translation of the documents.

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the Court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits on or before September 1, 2015 **(30 days before)**.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than September 1, 2015 **(30 days before)**.
3. Counsel and both parties shall confer on or before September 1, 2015 **(30 days before)** to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information.

9:20 a.m. Matter concludes.

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LATER:

IT IS ORDERED vacating the previously set telephonic **Status Conference** on **October 2, 2015 at 9:30 a.m.**

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

/ s / HON. PENNY L. WILLRICH

JUDICIAL OFFICER OF THE SUPERIOR COURT

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.